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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,280	12/01/2003	Mark L. Enders	14297	1829

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EXAMINER

GOODEN JR, BARRY J

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/725,280	ENDERS, MARK L.	
	Examiner	Art Unit	
	Barry J. Gooden Jr.	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) 2, 6, 11, 13, 16-22, 28, 31, 33, 35, 39-43, 50-60 and 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-10, 12, 14, 15, 23-27, 29, 30, 32, 34, 36-38, 44, 45, 48, 49, 61-64 and 66-68 is/are rejected.
- 7) ☒ Claim(s) 46 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/1/03 & 4/1/05</u> | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____ |
|--|--|

DETAILED ACTION

This Office Action is in response to the election filed February 2, 2006, due to the restriction requirement.

Election/Restrictions

1. Applicant's election without traverse of the occupant protection device shown in Figures 12-15 in the reply filed on February 2, 2006 is acknowledged.

Applicant elected the occupant protection device and the claims pertaining thereto. Therefore, claims 13, 28, and 65 are withdrawn from further consideration, as they are not drawn to the device of Figures 12-15. It is noted that claims 13, 28 and 65 are not shown or taught by the Applicants' disclosure of the current embodiment.

Claims 1, 3-5, 7-10, 12, 14, 15, 23-27, 29, 30, 32, 34, 36-38, 44-49, 61-64, and 66-68, indicated by the Applicant, are readable upon the elected species. Claims 2, 6, 11, 13, 16-22, 28, 31, 33, 35, 39-43, and 50-60 are withdrawn from further consideration, as they are not drawn to the device shown in Figures 12-15.

Drawings

The drawings are objected to because on Figure 12 number 377 is not directed to the correct part. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

At page 31, line 16 "attache" should be replaced with -- attach --.

At page 33, lines 12-15 "the U-brackets 344 are designed such that when the latch mechanism 368 disengages from the top portion 361, the hinge 366 and the U-brackets 344 open the glove box door 363" is unclear. Examiner suggests replacing with -- is designed such that when the latch mechanism 368 disengages from the top portion 361, the hinge 366 opens the glove box door 363 --.

Appropriate correction is required.

Claim Objections

1. Claims 5, 9, and 38 are objected to because of the following informalities:

In regards to claim 5 at page 35, "wherein the hinge may be positioned" is not a positive recitation. Examiner suggests replacing with -- wherein the hinge is positioned --.

In regards to claims 9 and 38 at pages 36 and 41, respectively, "the housing in integral" should be replaced with -- the housing is integral --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1, 3-5, 8, 9, 10, 12, 14, 15, 23, 24, 30, 61, and 67 are rejected under 35 U.S.C. 102(b) as being anticipated by Marriott et al., US Patent 6,302,437 B1.

In regards to claims 1, 3-5, 8, 9, 10, 12, 14, 15, 23, 24, and 30, Marriott et al. shows all of the claimed elements including an air bag assembly comprising:

a glove box (15);

a knee airbag (64);

a housing (42 surrounding 62) encasing the knee airbag (64), the housing (42 surrounding 62) being positioned proximate the glove box (15); and,

a front member (42) that covers the glove box (15) and the housing (42);

wherein the front member (42) comprises a glove box (See Figure 2) door that covers both the glove box (15) and the housing (42 surrounding 62);

wherein the assembly further comprises a hinge (26);

wherein the hinge (26) is positioned on a vehicle's instrument panel (16) below a bottom edge of the housing (42 surrounding 62);

further comprising a latch mechanism (46) that is attached to the front member (42);

wherein the housing (42 surrounding 62) is integral with the glove box (15) (See Figure 2);

wherein the assembly is constructed such that the knee airbag (64) will deploy substantially upward when installed onto a vehicle (See Figure 4);

wherein the assembly is constructed such that the housing (42 surrounding 62) will move when the glove box door is opened (See Figure 3);

further comprising an inflator (66) for deploying the knee airbag (64) into an inflated configuration (See Figure 4);

further comprising a mounting bracket (72) attached to the housing (42 surrounding 62);

wherein the front member (42) comprises a glove box door and an aperture (covered by the cover);

further comprising a cover (76) sized and configured to cover the aperture (See Figure 2);

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wherein the airbag assembly is constructed such that during a crash, the airbag (64) will deploy into an inflated configuration regardless of whether a glove box door is in an open position or a closed position.

In regards to claims 61 and 67 Marriott et al. shows all of the claimed elements including an airbag assembly comprising:

a glove box (15);

a knee airbag (64);

a housing (42 surrounding 62) that encases the knee airbag (64), the housing (42 surrounding 62) being positioned below the glove box (15); and,

a front member (42) comprising a glove box (15) door and aperture (covered by the cover), the glove box door being positioned in front of the glove box (15) and the aperture (covered by the cover) being positioned in front of the housing (42 surrounding 62); and,

a cover (76) positioned over the aperture, the cover (76) being attached to the housing (42 surrounding 62);

wherein the airbag assembly (62) is constructed such that during a crash, the airbag (64) will deploy into an inflated configuration regardless of whether a glove box door is in an open position or a closed position.

In regards to claims 30 and 67, Examiner notes that the disclosure of Marriott et al. does not disclose any means preventing the airbag (64) from effectively deploying when the glove box (15) is in an open position, as such it follows that the airbag (64) would deploy irregardless of the position of the glove box (15). Therefore the structure disclosed by Marriott et al. meets the limitations of the claims.

3. Claims 1, 3-5, 9, 10, 12, 14, 15, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Duletzke, US Patent 6,276,713 B1.

In regards to claims 1, 3-5, 9, 10, 12, 14, 15, 23, and 24, Duletzke shows all of the claimed elements including an air bag assembly comprising:

a glove box (14);

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a knee airbag (26);

a housing (18) encasing the knee airbag (26), the housing (18) being positioned proximate the glove box (14); and,

a front member (18) that covers the glove box (14) and the housing (18);

wherein the front member (18) comprises a glove box door (18) that covers both the glove box (14) and the housing (18);

wherein the assembly further comprises a hinge (20);

wherein the hinge (20) is positioned on a vehicle's instrument panel (12) below a bottom edge of the housing (14);

wherein the housing (18) is integral with the glove box (14);

wherein the assembly is constructed such that the knee airbag (26) will deploy substantially upward when installed onto a vehicle (See Figure 3);

wherein the assembly is constructed such that the housing (18) will move when the glove box door (18) is opened;

further comprising an inflator (28) for deploying the knee airbag (26) into an inflated configuration (See Figure 3);

further comprising a mounting bracket (20) attached to the housing (18);

wherein the front member (18) comprises a glove box door (18) and an aperture (Column 2, Lines 6-8);

further comprising a cover (30) sized and configured to cover the aperture (Column 3, Lines 13-22).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

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to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 25-27, 62-64, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marriott et al.

In regards to claims 25-27 and 62-64, Marriott et al. shows fasteners (84) including flanges (86) and holes with tangs (88). Marriott et al. does not show the parts arranged as claimed by the Applicant. If the flanges (86) and tangs (88) of Marriott et al. were to be reversed, Marriott et al. would disclose flanges (86) designed to engage holes in the front member (42) and openings in the housing (42 surrounding 62), and wherein the flanges (86) would engage tangs (88) positioned on the housing (42 surrounding 62).

As such, Marriott et al. discloses the claimed invention except for the claimed arrangement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the individual elements of the fastener of Marriott et al., since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

In regards to claim 68, Marriott et al. does not explicitly disclose the assembly wherein the deployment of the airbag into the inflated configuration moves the glove box into a closed position.

Marriott et al. does disclose that a glove box typically includes many various articles that maybe expelled during a collision and that it is desirable to keep a glove box closed while an airbag may be

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inflated (Column 2, Lines 14-29). It would follow that it is desirable to close an open glove box during the inflation of the airbag.

In addition, Marriot discloses that it is desirable to provide a strong surface capable of resisting the force exerted thereon by the deployment of the airbag (Column 2, Lines 51-58).

It would follow from the disclosure of Marriott et al., although not explicitly stated, that were the glove box to be open during the deployment of the airbag, it would be closed due to the forces exerted on the glove box by the airbag, and such an outcome, due to the deployment of the airbag, would be desirable.

7. Claims 7 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duletzke in view of Poweleit et al, DE 42 09 604 A1.

Duletzke shows all of the claimed elements excluding the cover including a tear seam.

Poweleit et al. show a glove box (4) having a cover (6) for a knee protection device wherein the cover (6) includes a tear seam (15) that is positioned on a front panel of the cover (6) (See Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cover of Duletzke in view of the teachings of Poweleit et al. so as to provide a means of effective deployment through which the airbag may deploy in a manner known in the art.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duletzke in view of Marriott et al.

Duletzke shows all of the claimed elements excluding a latch mechanism being attached to the front member.

Marriott et al. teaches of a latch mechanism (46) being attached to a front member.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cover of Duletzke in view of the teachings of Marriott et al. so as to provide a means of effectively opening and securably closing the glove box of Duletzke.

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9. Claims 1, 3, 4, 9, 14, 23, 24, 30, 32, 34, 36, 38, 44, 45, 49, 61, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutherland et al.

In regards to claims 1, 3, 4, 9, 14, 23, 24, and 30, Sutherland et al. shows all of the claimed elements including an air bag assembly (22) comprising:

a glove box (78);

a knee airbag (134);

a housing (92) encasing the knee airbag (134), the housing (92) being positioned proximate the glove box (78); and,

a front member (160,170);

wherein the front member (160,170) comprises a glove box door (160) that covers the glove box (78);

wherein the assembly further comprises a hinge (162);

wherein the housing (92) is integral with the glove box (78);

further comprising an inflator (136) for deploying the knee airbag (134) into an inflated configuration;

wherein the front member (160,170) comprises a glove box door (160) and an aperture (covered by 170);

further comprising a cover (170) sized and configured to cover the aperture (See Figure 2).

In regards to claims 32, 34, 36, 38, 44, 45, and 49, Sutherland et al. shows all of the claimed elements including an airbag assembly (22) comprising:

a glove box (78);

a knee airbag (134);

a housing (92) encasing the knee airbag (134), wherein the entirety of the housing (92) is positioned below the entirety of the glove box (78) (See Figure 2); and,

wherein the front member (160,170) comprises a glove box door (160) that covers the glove box (78);

further comprising a hinge (172) that is positioned on a vehicle's instrument panel (22) below a bottom edge of the housing (92);

wherein the housing (92) is integral with the glove box (78);

wherein the front member (160,170) comprises a glove box door (160) and an aperture (covered by 170);

further comprising a cover (170) sized and configured to cover the aperture (covered by 170);
and,

wherein the airbag assembly (22) is constructed such that during a crash, the airbag (134) will deploy into an inflated configuration regardless of whether a glove box door (160) is in an open position or a closed position (Sutherland et al. do not disclose any circuit or sensor that would prohibit the expansion of the airbag (134) whether the glove box were to be open or closed).

In regards to claims 61, 67, Sutherland et al. shows all of the claimed elements including an airbag assembly (22) comprising:

a glove box (78);

a knee airbag (134);

a housing (92) that encases the knee airbag (134), the housing (92) being positioned below the glove box (78); and,

a front member (160,170) comprising a glove box door (160) and aperture (covered by 170), the glove box door (160) being positioned in front of the glove box (78) and the aperture (covered by 170) being positioned in front of the housing (92); and,

a cover (160,170) positioned over the aperture (covered by 170), the cover (160,170) being attached to the housing (92);

wherein the airbag assembly (22) is constructed such that during a crash, the airbag (134) will deploy into an inflated configuration regardless of whether a glove box door (160) is in an open position or a closed position (Sutherland et al. do not disclose any circuit or sensor that would prohibit the expansion of the airbag (134) whether the glove box were to be open or closed).

It is noted that, Sutherland et al. disclose all of the claimed elements excluding the glove box cover (160) and the housing cover (170) being connected. However Sutherland et al. do disclose the first protection device cover (150) as being connected to the glove box cover (160). As such it is within the scope of Sutherland et al. to connect two hingeable members to one another, as such the glove box cover (160) and the housing cover (170) may be connected.

Therefore Sutherland et al. teaches of a front member (160,170) that covers the glove box (78) and the housing (92); wherein the front member (160,170) comprises a glove box door (160) and an aperture (covered by 170); further comprising a cover (170) sized and configured to cover the aperture (See Figure 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the front member of Sutherland et al. so as to be connected and thereby reduce the number of separate parts during assembly.

10. Claims 29, 37, 48, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutherland et al. in view of Poweleit et al.

Sutherland et al. discloses all of the claimed elements excluding a tear seam.

Poweleit et al. teaches of a knee protection device comprising a tear seam (15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the front member of Sutherland et al. in view of the teachings of Poweleit et al. to include a tear seam so as to provide a means of effective deployment through which the airbag may deploy in a manner known in the art.

Allowable Subject Matter

11. Claims 46 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barry J Gooden Jr.
Examiner
Art Unit 3616

BJG


ERIC CULBRETH
PRIMARY EXAMINER